United States District Court Southern District of Texas

## **ENTERED**

August 17, 2018 David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED STATES OF AMERICA,	§
	§
VS.	§ CRIMINAL ACTION NO. 4:16-CR-408
	§
ANDREW IAN FARMER	§
	§
EDDIE DOUGLAS AUSTIN JR,	8
CAROLYN PRICE AUSTIN	8
JOHN DAVID BROTHERTON	8
SCOTT RUSSELL SIECK	8
	§
CHARLES EARL GROB,	§
	§
Defendants.	§
	§

## **ORDER**

Pending before the Court is a motion filed by the Defendant's for continuance of the trial setting. In accordance with 18 U.S.C. § 3161(h)(7)(A), the basis for the continuance is the finding that the ends of justice served in granting such continuance outweigh the best interests of the public and the Defendant in a speedy trial.

The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(B), a failure to grant continuance in this case would deny counsel for the Defendants the reasonable time necessary for effective preparation taking into account the exercise of due diligence and would thereby result in a miscarriage of justice for the Defendant.

The Defendants recite that there has been inadequate time to sufficiently prepare for trial.

Denial of the reasonable time necessary for effective trial preparation is expressly enunciated in

18 U.S.C. § 3161(h)(7)(B)(iv) as a factor in determining that a continuance in the ends of justice

would outweigh the public's interest in a speedy trial.

IT IS HEREBY ORDERED that the Defendant's motion for continuance is

**GRANTED**. A period of excludable delay shall commence from today, pursuant to 18 U.S.C.

§ 3161(h)(7)(A) and (B), and end upon the start of trial. Trial of this case is hereby scheduled

to commence on January 3, 2019 at 9:00 a.m.

THE SCHEDULING ORDER SHALL BE AMENDED AS FOLLOWS:

MOTIONS will be filed by November 2, 2018.

RESPONSES due by November 12, 2018.

PROPOSED VOIR DIRE AND CHARGE due by <u>December 14, 2018.</u>

PRETRIAL CONFERENCE is set for December 17, 2018 at 9:30 a.m.

**SIGNED** on this the <sup>17th</sup> day of August, 2018, at Houston, Texas.

VANESSA D. GILMORE

UNITED STATES DISTRICT JUDGE